

ORDINANCE NO. 15- 120

**AN ORDINANCE AMENDING CERTAIN SECTIONS OF THE ROGERS CITY CODE
CHAPTER 38, ARTICLE II, PEDDLERS AND SOLICITORS, REGARDING
REGULATIONS OF DOOR TO DOOR SOLICITATION AT PRIVATE RESIDENCES
IN THE CITY OF ROGERS; PROVIDING FOR THE EMERGENCY CLAUSE AND
FOR OTHER PURPOSES.**

WHEREAS, the City has a substantial interest in protecting the well-being, tranquility, personal safety, and privacy of its citizens, which include the ability to protect citizens from unwanted intrusions upon residential property;

WHEREAS, the City finds that there must be a balance between the substantial interest of the City and its citizens and the effect of the regulations in this chapter on the rights of those who are regulated, as well as judicial decisions outlining the boundaries of constitutional protection afforded and denied persons seeking to engage in door to door solicitation;

WHEREAS, in order to carry out the above stated purposes, the City Council for the City of Rogers finds that the current door to door solicitation ordinance needs to be amended;

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ROGERS, ARKANSAS:

Section 1: That Sections 38-20, 38-21, 38-23, and 38-24 of the Code of Ordinances, City of Rogers, Arkansas, are hereby amended and shall read as shown in the attached Exhibit "A", (attached hereto and incorporated by reference as if set out word for word herein).

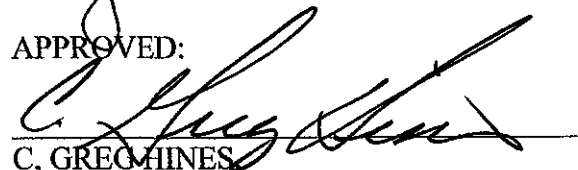
Section 2: That the need to amend said City Code sections is immediate and in order to protect the public peace, health, safety and welfare an emergency is hereby declared to exist and this Ordinance shall be in full force and effect from the date of its passage and approval.

Section 3: Severability Provision. In the event that any section, paragraph, subdivision, clause, phrase, or other provision or portion of this Ordinance shall be adjudged invalid or unconstitutional, the same shall not affect the validity of this Ordinance as a whole, or any part or provision, other than the part so decided to be invalid or unconstitutional, and the remaining provisions of this Ordinance shall be construed as if such invalid, unenforceable or unconstitutional provision or provisions had never been contained herein.

Section 4: Repeal of Conflicting Ordinances and Resolutions. All ordinances, resolutions or orders of the City Council, or parts of ordinances, resolutions or orders of the City Council in conflict herewith are hereby repealed to the extent of such conflict.

PASSED this 11th day of August, 2015.

APPROVED:


C. GRECHINES
Mayor

Attest:


PEGGY DAVID, City Clerk

Prepared by: Chris Griffin, Senior Staff Attorney



EXHIBIT "A"

• **Sec. 38-20. - Entrance to premises.**

Except as otherwise provided by law, it shall be unlawful for any peddler or seller of goods, wares, merchandise or other things of value to enter upon any private premises before 9:00am or after 9:00pm for any purpose described in section 38-19.

• **Sec. 38-21. - License fee.**

- (a) All peddlers or sellers of goods, wares, merchandise or other things of value, except a person who offers for sale produce which he himself raised, shall pay a license fee as currently established and found in appendix B to this Code or as hereafter adopted by resolution of the city council from time to time. Holders of a current, valid, City of Rogers business license with a permanent address in the City of Rogers and/or any other individual or entity otherwise designated by state law, shall be exempted from the fee provided in this section.
- (b) All peddlers or sellers of goods, wares, merchandise or other things of value, shall provide valid government photo identification to the City Clerk prior to the issuance of a license/permit.
- (c) All peddlers or sellers of goods, wares, merchandise or other things of value shall maintain a copy of the issued license/permit on their person at all times while engaged in peddling or selling of goods, wares, merchandise or other things of value.

• **Sec. 38-23. - Door-to-door solicitation prohibited.**

- (a) The City Clerk is hereby directed to prepare and maintain a list of all residents of the city who desire no hawking, soliciting or peddling of wares or merchandise at their residence. This list shall hereafter be referred to as the "No-Knock List".
- (b) Said residents of the city who desire for their address to be placed on the No-Knock List may do so by contacting the City Clerk either in person, by phone, or may register for the No-Knock List via the City's website. The Clerk shall verify that the requestor is the appropriate party to place said residence on the No-Knock list prior to the placement of that residence on the No-Knock list. To remain on the No-Knock List, registration will need to be renewed every two (2) years. If registration is not renewed, the address will be removed from the No-Knock List. If a resident moves away from, sells, abandons, or otherwise leaves a residence that they have previously placed on the No-Knock list, they shall notify the City Clerk promptly of their disassociation from the property. Any new resident of said address must notify the Clerk of their desire to be placed back on the No-Knock list according to the provisions contained above. No individual or entity shall be allowed to place any residence on the No-Knock list on "behalf of" any property owners' association, homeowners' association, or other similar organization.
- (c) Prior to engaging in the practice of going from door-to-door for the purpose of soliciting, peddling, or hawking of wares, all persons must first obtain a copy of the No-Knock List from the City Clerk and are expressly prohibited from making contact with said residents at the listed addresses. The provisions of this section shall not apply to not-for-profit organizations, groups and associations.
- (d) It shall be unlawful for any uninvited solicitor or peddler, including those licensed under Sec. 38-21 of this Code, to solicit at a residence where a legible sign that reads "NO Solicitation" is posted and reasonably visible to persons who enter upon such residential property.

- **Sec. 38-24. - Solicitation from persons driving motor vehicles prohibited.**

- (a) The practice of soliciting money or contributions from motor vehicles by pedestrians without a permit issued by the city is hereby prohibited within the city limits.
- (b) A violation of this article is punishable as set forth in Section 1-5 of the Rogers City Code.
- (c) Any organization or individual desiring to obtain a permit as required in this article shall make written application to the city clerk. Said application shall be made at least 14 days prior to the intended date of solicitation and shall contain the following information:
 - (1) Name of applicant or organization;
 - (2) Address of applicant or organization;
 - (3) Telephone number of applicant or organization;
 - (4) Date and time of intended solicitation;
 - (5) Location of intended solicitation
- (d) The application shall be reviewed by the chief of police or his designate for approval prior to any permit being issued by the city clerk; provided, however, that said approval shall not be unreasonably withheld and shall be based upon public safety considerations only. If the application is approved, the city clerk shall issue a solicitation permit which shall be valid for a period of 24 hours. Said permit shall be clearly displayed by the individual or organization to which it is issued at all times during the period of solicitation.

(Code 1997, § 86-6; Ord. No. 07-73, §§ 1—4, 5-22-2007; Ord. No. 08-108, §§ 2—5, 8-26-2008)

- **Secs. 38-25—38-51. - Reserved.**